



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

December 8, 2022

INFORMATION REQUEST
URGENT LEGAL MATTER – PROMPT REPLY NECESSARY
OVERNIGHT MAIL

Mr. Yoon Tack Kim
3586 Marys View Ln
Dacula, Georgia 30019

Re: Request for Information Pursuant to Section 104 of CERCLA, and Section 3007 of RCRA, for the Lakes Parkway Lithium Battery Fire Superfund Site, Lawrenceville, Gwinnett County, Georgia

Dear Mr. Kim:

This letter is being sent to you in your capacity as the registered agent, Chief Executive Officer, Chief Financial Officer, and Secretary for Han Metal USA, Inc. (Han Metal). As explained in detail below, you are required to respond to the questions attached to this letter regarding the release or threat of release of hazardous substances at the Lakes Parkway Lithium Battery Fire Site.

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants, or contaminants into the environment. The EPA has documented that such a release occurred at the Lakes Parkway Lithium Battery Fire Superfund Site (the Site) as described below. The EPA has spent and is considering spending additional public funds to control and investigate releases or potential releases of hazardous substances at the Site. This investigation requires inquiry into the identification, nature, and quantity of materials that have been generated, treated, stored, or disposed of at, or transported to the Site, and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site. The EPA is also seeking information regarding the ability of a person to reimburse the EPA for its costs performing a CERCLA removal action to clean up the Site. Based on information presently available to the EPA, the EPA has determined that your company, Han Metal, may be responsible under CERCLA for costs the EPA has incurred cleaning up the Site.

Site Description

On December 7, 2021, the Gwinnett County Fire Department responded to a fire inside Han Metal, a battery collection and shipping company located at 1665 Lakes Parkway, Suite 116, Lawrenceville, Gwinnett County, Georgia. The fire occurred in one unit of a multi-business

concrete structure in an industrial park complex; there are three large concrete buildings on the Site property. The fire department isolated and removed several pallets of smoldering and burning lithium-ion batteries. The batteries were placed outside near the building's loading dock. The fire department spaced the pallets to isolate them in case of additional arcing. The fire department contacted a cleanup contractor, but when that contractor arrived on-Site it was turned away by a representative of Han Metal who assured the fire department that the company could remediate the problem on its own.

Two days later the fire department responded again at the same facility and found that Han Metal had moved the outdoor pallets of batteries and placed them directly next to each other so the business could utilize the loading dock. The fire department notified the National Response Center and Georgia Environmental Protection Division (GAEPD). GAEPD then notified the EPA Region 4 Telephone Duty Officer for assistance.

A Federal On-Scene Coordinator (OSC) arrived on-Site on December 10, 2021, and met with the fire department, GAEPD personnel, and a representative of Han Metal. The OSC determined that the fire resulted in the release of hazardous substances from the lithium-ion batteries, including the toxic gas hydrogen fluoride, and that this release and the condition of the batteries presented a threat to public health and the environment. A cleanup contractor arrived on-Site, but a contract between Han Metal and the contractor was not accomplished. The OSC presented Han Metal with a Notice of Federal Interest, and Notice of Federal Assumption of Response Activities based on Han Metal's delay and failure to timely procure a cleanup contractor.

Information Request

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), and Section 3007 of the Resources Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the attached Information Request. Instructions on how to respond to the questions are included in **Enclosure A** as well as definitions that apply to the words appearing in the questions. The questions are set forth in **Enclosure B**.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within **30 calendar days** of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA against you and your company pursuant to Section 104(e) of CERCLA. This statute permits the EPA to seek the imposition of penalties of up to \$62,689.00 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you and your company to criminal penalties under 18 U.S.C. § 1001, or Section 3008(d) of RCRA.

Your response should be submitted within the time specified herein and e-mailed to Christopher Jones at jones.christophere@epa.gov, and to Deborah Benjamin at benjamin.deborah@epa.gov. In addition, your responses should contemporaneously be mailed to Christopher Jones at the following address:

Christopher Jones
U.S. Environmental Protection Agency Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, *et seq.*

Due to the legal ramifications of your failure to respond properly, the EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any questions regarding this matter please contact Deborah Benjamin, Esq., the attorney for this matter, at 404-562-9561.

Thank you for your cooperation in this matter.

Sincerely,



Christopher Jones
Enforcement Project Manager
Superfund & Emergency Management
Division

Enclosures

- A. 104(e) Information Request Instructions and Definitions
 - B. 104(e) Information Request Questions
 - C. Statement of Corporate Debtor
- cc: Deborah Benjamin, Attorney, Region 4 Office of Regional Counsel
Jason Booth, On Scene Coordinator, Emergency Response and Removal Branch
John Maddox, Georgia Environmental Protection Division

ENCLOSURE A

LAKES PARKWAY BATTERY FIRE SUPERFUND SITE

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the corresponding number of the question and the subpart to which it corresponds.
3. In answering each question, identify all documents and persons that contributed information relating to each question.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the question and the subpart to which it responds.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA thereof as soon as possible.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F); Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b); and 40 C.F.R. Section 2.203(b).

To make a confidentiality claim, please write or type "CONFIDENTIAL" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope, and all materials for which you desire confidential treatment are in another envelope.

If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

7. Personnel, medical files, and similar files in which the disclosure to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
8. Where specific information has not been memorialized in any document, but is nonetheless responsive to a question, you must respond to the question with a written response.
9. If information responsive to this Information Request is not in your possession, custody, or control,

then identify the person from whom such information may be obtained.

10. If you have objections to some or all of the questions within the Information Request, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in **Enclosures B and C**:

1. The term "you" or "Respondent" shall mean Mr. Yoon Tack Kim as Chief Executive Officer, Chief Financial Officer, and Secretary, for Han Metal USA, Inc.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms the "Site" or the "facility" shall mean and include the property on or about 1665 Lakes Parkway, Suite 116, Lawrenceville, Georgia 30043.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
8. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
9. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any

documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

10. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

11. The term "arrangement" means every separate contract or other agreement between two or more persons.

12. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.

13. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

15. The term "property interest" means any interest in property including but not limited to, any ownership interest, including an easement, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

16. The term "asset" shall include the following: real estate, buildings or other improvements of real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

ENCLOSURE B

LAKES PARKWAY BATTERY FIRE SUPERFUND SITE

Information Request Questions

1. Identify the person(s) responding to these questions on behalf of the Respondent.
2. For each question contained herein, identify all persons consulted in the preparation of the response.
3. For each question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question, and provide true and accurate copies of all such documents.
4. Provide the name, title, address, and phone number, of the individual to whom the EPA may send future correspondence regarding this matter.
5. Provide information about the Site, including the following:
 - a. Property boundaries, including a written legal description;
 - b. Location and description of surface structures (e.g., buildings, loading dock, etc.);
 - c. All maps and drawings of the Site in your possession.
6. Identify the current owner and operator of the Site. State the dates during which the current owner and operator owned, operated, or leased any portion of the Site and provide copies of all documents relating to such ownership, operation, or lease including purchase and sale agreements, deeds, leases, etc.
7. Describe in detail any agreements/contracts between Han Metal USA, Inc., and Recytech USA, Inc. Additionally, identify any other companies operating at Lakes Parkway Lithium Battery Fire Superfund Site and describe in detail any arrangements Han Metal USA has had with them including the time period of Han Metal USA's involvement.
8. Describe the nature of Han Metal USA's, and Recytech USA's businesses. Explain each company's activities with respect to purchasing, receiving, processing, storing, disposing, or otherwise handling lithium-ion batteries or other hazardous substances at the Site. Provide each facility's Site address.
9. Provide a list of employees of Han Metal USA, and Recytech USA, listing each employee's name, job title(s), responsibilities, dates of positions held, and contact information including address, phone number, and email.
10. Describe each position, formal or informal, that you have held with companies that have operated at the Site. Your description should include the duties and responsibilities of each position; the actual tasks that you performed both routinely and occasionally; and the dates that you held each position.

11. Provide a customer list with contact information of all entities that sent lithium-ion batteries to the Site from January 1, 2021, to December 31, 2021, and specify which company's customers these were.
12. For each customer identified in response to Question 11 above, provide the following:
 - a. address and contact person for each entity;
 - b. any agreements or contracts with these customers;
 - c. shipping records including disposal receipts, waste custody records, waste shipment records;
 - d. address and contact information of all persons/entities who transported these materials;
 - e. copies of correspondence with these customers, including letters, memoranda, emails, texts, or any other writings.
13. For lithium-ion batteries sent to the Site from January 1, 2021, to December 31, 2021, provide the following:
 - a. All documentation of shipments to the Site including waste logs, journals, ledgers, financial accounting, and waste-in lists;
 - b. All correspondence and written communications pertaining to these materials;
 - c. Name, address, and telephone number of the waste haulers and arrangers of lithium-ion batteries sent to the Site;
 - d. The volume and character of each shipment of lithium-ion batteries sent to the Site;
 - e. Copies of all tests, analyses, and sampling of each shipment of lithium-ion batteries sent to the Site;
 - f. Copies of all waste characterization sheets pertaining to each shipment of lithium-ion batteries sent to the Site;
 - g. Copies of disposal receipts, waste shipment records, waste custody records, and any other documents pertaining lithium-ion batteries sent to the Site; and
 - h. Copies of all business records pertaining to lithium-ion batteries sent to the Site.

If you are unable to provide any of these documents explain why, and what you did to attempt to find them.

14. Describe how hazardous substances, including lithium-ion batteries, were collected and stored at the Site prior to disposal/recycling/sale/transport, including:
 - a. the type of container in which lithium-ion batteries were placed/stored; and
 - b. where lithium-ion batteries were collected and stored.

15. Provide a list of all local, state, and federal environmental permits ever granted for operations at the Site (e.g., RCRA permits, NPDES permits, etc.), and specify which company they pertain to.
16. If you have reason to believe that someone could provide a more complete response to any of these questions or requests for documents, or if you have reason to believe that there could be someone who may be able to provide additional documents that would be responsive to these questions and requests for documents, identify such person(s) and identify the additional documents that they may have.
17. To determine Han Metal USA's financial ability to pay, complete the Financial Statement of Corporate Debtor enclosed, and provide copies of signed federal and state tax returns, including schedules and attachments, for the preceding five years (2017 through 2021).

ENCLOSURE C

STATEMENT OF CORPORATE DEBTOR